

U.S. Coast Guard
Transportation Security Administration

Transportation Port Worker
Interim Screening Program

April 25, 2006

Executive Summary

Recent events have highlighted the necessity to substantiate the acceptability of persons working in the maritime sector and to confirm that these individuals present no security risk to the maritime infrastructure.

The Transportation Worker Identification Credential (TWIC) being developed by the Transportation Security Administration (TSA), in conjunction with the Coast Guard, will establish minimum standards for checking the identity and acceptability of all persons seeking unescorted access to secure areas of a Maritime Transportation Security Act (MTSA) regulated facilities and vessels. This effort will culminate with the issuance of a credential to confirm that the appropriate background checks have been completed and the individual was found to present no appreciable security threat. This credential, however, will not be available until the latter part of 2006.

As an interim measure until the TWIC is available, the Coast Guard is publishing notice in the Federal Register that it will utilize regulatory language contained in 33 CFR Subchapter L, part 125, which provides authority to deny access to anyone not possessing approved credentials to a facility or vessel. Approved credentials are those that are either already listed in the regulation or are established under the Notice including a credential for facility employees and longshoremen that is linked to a satisfactory background

check. This effort is in response to an identified gap in maritime security associated with operations in U.S. ports.

Purpose

The Coast Guard and the Transportation Security Administration have adopted a phased approach to checking the backgrounds of maritime workers (whose backgrounds have not already been screened as evidenced by their possession of one of the existing regulatory approved credentials) with the TWIC being the final and most rigorous phase. The initial part of the vetting process will require that regulated (33 CFR Part 105) facility operators provide the name, date of birth, the alien registry number, if appropriate, and/or the employee's social security number (optional) of all employees and long-term contractors requiring access to their facilities. Contractors are considered long-term if they need regular access to the facility for a period in excess of 90 days. Among others, this will include direct-hire office staff, administrative and clerical support, long term (over 90 days) contractor support, direct hire dock labor (non-union longshoremen) In the case of unionized longshoremen, the International Longshoremen's Association (ILA) or the International Longshore and Warehouse Union (ILWU) will provide the information on their members. The Coast Guard will make the list of screened longshoremen available to facility operators within 60 days of the date of the Notice. Submitted names will be checked against the terrorist watch list and for information on immigration status.

Description

Within 30 days of publication of the Federal Register Notice, operators and unions must submit the names of their employees or members to the TSA by way of the Coast Guard secure Homeport web portal or by mailing an encrypted CD-ROM to TSA. TSA will coordinate with the Terrorist Screening Center (TSC) to conduct the check against the terrorist watch list and will coordinate with U.S. Citizenship and Immigration Services (USCIS), and the U.S. Immigration and Customs Enforcement (ICE) to check immigration status. There will be no positive communication from TSA to advise of employees or members who have successfully completed this limited background check. If an operator or the union have not received written notification from TSA that an employee or member is barred from regulated facilities after 30 days, the operator or the union may assume that all the names submitted were cleared and are acceptable for the purposes of access to secure areas of regulated facilities. All employees and union members currently having access to regulated facilities will continue to do so while the background check is being performed. Also, future, new employees or union members must be reported as they are hired or accepted pending the TWIC. If an employee or union member is negatively impacted by information transmitted by TSA, they will be advised of the process for adjudication and appeal.

Credentials that can be used by individuals who have undergone the background check may include a state-issued driver's license, facility-issued identification, a union or trade association-issued identification credential, merchant mariner's document, Armed Forces

Identification Card, credentials issued by Federal law enforcement or intelligence agencies, identification credentials issued to police and firemen, or any identification credential approved by the Commandant. Until the issuance of the TWIC later in the year, merchant mariner's documents will be accepted as representing persons having undergone a background check for the purposes of this interim program.

It will be the responsibility of the COTP to monitor the compliance level of facilities in his/her Area of Responsibility (AOR) and confirm that all facilities having approved Facility Security Plans (FSP) and union locals have participated by providing information about its employees or members within 30 days of the publication of the Federal Register Notice.

Submission Instructions

For operators, their Facility Security Officers (FSO) with existing Homeport accounts will log in to Homeport at <http://homeport.uscg.mil> and click on the link entitled "Facility Personnel Security Form." The spreadsheet provided at this link can then be downloaded, filled in, and uploaded for transmission to TSA.

For operators whose FSOs have not, yet, applied for Homeport access, they should initiate the application process by going to the above referenced cite and clicking on "Register" in the top, right corner of the screen. Once the process is completed, they will

be given access to the secure areas of Homeport and will be able to perform the electronic transmission.

For those who do not have immediate access to a computer or do not have access to Homeport within the 30 day timeframe, the submission can be made using the format given in the Federal Register notice, which provides for mailing a password-protected, encrypted CD-ROM to Mr. Stephen Sadler, Director, Maritime & Surface Credentialing, Office of Transportation and Credentialing – TSA-19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202, with a point of contact for the submitter. Once the submission is received, TSA will communicate with the point of contact provided with the submission to obtain the password. It is recommended that mailed submissions be sent registered mail, return receipt requested.

Union representatives who are submitting information for their members may obtain access to the secure area of Homeport by going to the link and clicking on “Register” in the top, right corner of the screen to begin the process. Again, an alternative method for submission would involve using the format given in the Federal Register notice, which allows mailing a copy of the spreadsheet on a password-protected, encrypted CD-ROM to Mr. Stephen Sadler, Director, Maritime & Surface Credentialing, Office of Transportation and Credentialing – TSA-19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202, with a point of contact for the submitter. Once the submission is received, TSA will communicate with the union point of contact to

obtain the password. It is recommended that mailed submissions be sent registered mail, return receipt requested.

Validation and Enforcement

Once the COTP has confirmed that the maritime facilities having approved FSPs in his/her AOR have submitted the names of their employees and that the union locals have submitted the information for their members to TSA, the COTP will confirm that access is being restricted to employees and longshoremen for whom information has been communicated to TSA. This may be established as part of the facility compliance inspection or spot check process. If an employer is found to have failed to submit the names of direct hire employees, he/she will be advised of the process to become compliant. COTPs also have their standing authority under 33 CFR part 6 to bar access of those employees of employers who have not complied with the submission of information requirements. Similarly, for labor unions those longshoremen for whom the unions have not submitted the names will be barred from access.

There is no like authority to order or compel the submission of the information; the authority is to bar access of those who are non-compliant. For the operators, it will be their responsibility to make sure that only employees and longshoremen who have undergone TSA's background check are permitted access to their facilities using the temporary credentials cited above. For unions, only members having undergone the above checks should be dispatched to operators for labor orders, members without the

proper temporary credentials will not be allowed access to the port facility. The Coast Guard will provide each regulated facility that uses unionized labor, a list of longshoremen for each port that have undergone screening by TSA.